

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KENNETH DOWE SMITH, )  
Petitioner, ) 1:05-cv-00546-OWW-TAG HC  
v. ) ORDER ADOPTING REPORT AND  
CALIFORNIA ATTORNEY GENERAL, ) RECOMMENDATION  
Respondent. ) (Doc. 10)  
 ) ORDER DISMISSING AMENDED PETITION  
 ) FOR WRIT OF HABEAS CORPUS  
 ) (Doc. 6)  
 ) ORDER DIRECTING CLERK OF COURT TO  
 ) ENTER JUDGMENT

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On July 19, 2006, the Magistrate Judge assigned to the case filed a Report and Recommendation recommending that the petition for writ of habeas corpus be DISMISSED for failure to prosecute. (Doc. 17). The Report and Recommendation was served on all parties and contained notice that any objections were to be filed within thirty days from the date of service of that order. To date, no party has filed objections, and Petitioner's mail has been returned to the Court marked "undeliverable." (Doc. 18).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the

1 Magistrate Judge's Report and Recommendation is supported by the record and proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Report and Recommendation issued July 19, 2006 (Doc. 17), is ADOPTED IN FULL;
- 4 2. The amended petition for writ of habeas corpus (Doc. 6) is DISMISSED without prejudice;
- 5 and,
- 6 3. The Clerk of Court is DIRECTED to ENTER JUDGMENT for Respondent and close the
- 7 file.

8 This order terminates the action in its entirety.

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10 IT IS SO ORDERED.

11 **Dated:** October 12, 2006  
12 emm0d6

/s/ Oliver W. Wanger  
13 UNITED STATES DISTRICT JUDGE

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